

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

SHERITA HARRIS

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-CV-3159-KHJ-MTP

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY, et al.

DEFENDANTS

ORDER

Before the Court is Defendant Mississippi Department of Public Safety's [15] Motion to Dismiss. The Court grants the motion.

Plaintiff Sherita Harris alleges that a Capitol Police officer shot her in the head in August 2022. *See* Am. Compl. [4] ¶¶ 7–12. As relevant here, she sued the Mississippi Department of Public Safety (“the Department”) under Section 1983 for its alleged failure to train and supervise the officer co-defendants. *Id.* ¶¶ 29–33. The Department moved to dismiss under Federal Rules of Civil Procedure 12(h)(3) and 12(c), arguing that the Court lacks subject-matter jurisdiction and, for other reasons, that it should grant the Department a judgment on the pleadings. [15] at 1; Supp. Mem. [16] at 1–2.

Harris did not respond within 14 days, as required by the Local Rules, so the Court ordered her to respond or confess that the Department's [15] Motion to Dismiss should be granted. *See* L.U. Civ. R. 7(b)(4); Text Order Apr. 26, 2024. That day, Harris's counsel e-mailed the Court and confessed that the motion should be

granted. Considering the record and applicable law, and considering the motion's unopposed nature, the Court finds that the motion should be granted.

The Department argues, and Harris confesses, that sovereign immunity bars Harris's claims against it. *See* [16] at 4–6. The Court agrees. *See Corn v. Miss. Dep't of Pub. Safety*, 954 F.3d 268, 273–75 (5th Cir. 2020). Accordingly, the Court GRANTS the Department's [15] Motion to Dismiss for lack of subject-matter jurisdiction and DISMISSES this civil action without prejudice as to Defendant Mississippi Department of Public Safety.

SO ORDERED, this 29th day of April, 2024.

s/ Kristi H. Johnson  
UNITED STATES DISTRICT JUDGE